

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EH FUSION PARTY,  
DAVID GRUBER, BONNIE BRADY, ELIZABETH  
A. BAMBRICK, RONA S. KLOPMAN, DELL R.  
CULLUM, RICHARD P. DREW, II, SUSAN M.  
VORPHAL, STEPHEN M. LESTER, DAVID  
TALMAGE, FALLON NIGRO, MICHAEL HAVENS,  
and SIMON V. KINSELLA,

No.19-cv-03511(KAM)(SJB)

**NOTICE OF MOTION**  
**FOR A STAY,**  
**ABSTENTION, AND**  
**SUMMARY JUDGMENT**

Plaintiffs

-against-

SUFFOLK COUNTY BOARD OF ELECTIONS,  
COMMISSIONER ANITA S. KATZ and  
COMMISSIONER NICK LALOTA,

Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed declaration of Daniel E. Furshpan, affirmed on the 17<sup>th</sup> day of July, 2019, and the attached exhibits, the declaration of Gail M. Lolis and Erin McTiernan affirmed on the 17<sup>th</sup> day of July, 2019, and the attached exhibits, Defendants' Rule 56.1 Statement of Material Facts, the Memorandum of Law dated July 17, 2019, all submitted in support of this Motion, the Defendants, SUFFOLK COUNTY BOARD OF ELECTIONS, COMMISSIONER ANITA S. KATZ and COMMISSIONER NICK LALOTA, by their attorneys, Dennis M. Brown, Suffolk County Attorney, will move this Court before the Honorable Kiyo A. Matsumoto, United States District Court Judge for the Eastern District of New York, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, NY 11201, in accordance with the parties' briefing schedule, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting summary judgment to the Defendants, or alternatively, for a stay and/or abstention of this instant action pending resolution and

disposition of the related proceeding in New York State Supreme Court (Index No. 3091/2019); and/or for such other and further relief as the Court deems proper and just.

**PLEASE TAKE FURTHER NOTICE** that in accordance with the Court's Briefing Schedule of June 28, 2019, the Plaintiff will file opposition to this motion by July 25, 2019 with Reply thereto to be filed by August 1, 2019.

Dated: Hauppauge, New York  
July 17, 2019

Respectfully submitted,

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By: /s/ Daniel E. Furshpan  
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**DEFENDANTS' NOTICE OF MOTION FOR A STAY, ABSTENTION, AND  
SUMMARY JUDGMENT**

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